



Inc. Information regarding the costs paid for the MPA is also not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE (August 15, 2013): You agreed to limit the request to procurement of preservative free MPA equivalents from other sources. SBC did not purchase preservative free MPA equivalents from other sources, so no responsive documents exist.

SOUTH BEND CLINIC'S POSITION: The Plaintiff's Steering Committee cannot expand the request to include drugs not identified in the original request, without an additional subpoena. Even if the request could be unilaterally expanded, the request would not be reasonably calculated to lead to the discovery of admissible evidence when it asks non-party South Bend Clinic to produce documents regarding its purchase of drugs from non-parties to the MDL actions, which do not involve the plaintiffs in the MDL. The expanded request would also be unduly burdensome because The South Bend Clinic would have to review its entire medication purchasing history for the time at issue, identify the drugs on those records, and determine if they are "equivalent" to any of the expanded list of drugs.

**REQUEST 17:** Any and all policies of insurance, including without limitation of the foregoing, professional liability, malpractice, products liability, general liability, and comprehensive or umbrella policies, issued to the Healthcare Provider and/or its principal officers and directors and/or any physician working for or on behalf of the Healthcare Provider, for the policy periods including calendar years 2011, 2012 and 2013.

OBJECTION (July 8, 2013 letter): The Request is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. The South Bend Clinic is not a Defendant in any of the lawsuits that comprise the MDL, so its insurance policies are not discoverable.

RESPONSE (August 15, 2013): **OBJECTION:** The Request is overbroad and not reasonably calculated to lead to the discovery of admissible evidence. SBC is not a defendant in any of the lawsuits that comprise the MDL, so its insurance policies are not discoverable.

SOUTH BEND CLINIC'S POSITION: Requests for non-party South Bend Clinic's liability insurance policies are not reasonably calculated to lead to the discovery of admissible evidence.

WHEREFORE, non-party subpoena recipient The South Bend Clinic, LLP requests that the Court sustain its objections to Requests Nos. 2 and 17 of the subpoena.

Respectfully submitted,

/s/ David E. Fialkow

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Dated: September 24, 2013

**CERTIFICATE OF SERVICE**

I, David Fialkow, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Dated: September 24, 2013

/s/ David E. Fialkow